

ORDINANCE NO. 2005-03

AN ORDINANCE OF THE TOWN OF SILVERTON AMENDING THE CODE OF THE TOWN OF SILVERTON BY THE ADDITION OF ARTICLE 14 TO CHAPTER THREE, REGARDING THE IMPOSITION, ADMINISTRATION AND COLLECTION OF A LODGER'S FEE FOR THE USE AND OCCUPATION OF CERTAIN LODGING AND CAMPING FACILITIES WITHIN THE TOWN.

WHEREAS, the Town benefits from a strong tourist economy and;

WHEREAS, the Town desires to support the visitor's center, special events and other efforts to enhance local business and governmental revenues from tourists and other visitors to the Town, and

WHEREAS, the Town is incurring costs and expending funds for the described municipal services in a manner that directly benefits the owners of lodging and camping businesses in the Town; and

WHEREAS, the Town is authorized to impose fees to defray the cost of government services;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, AS FOLLOWS:

The Code of the Town of Silverton is amended by the addition of Article 14 to Chapter Three of the Code, which Article shall read in its entirety as follows:

Article 14

3-14-1 Definitions:

The following words, terms and phrases, when used in this Ordinance shall have the following meanings, except where the context clearly indicates a different meaning:

"Camping Facility," shall mean any site, location or facility designed to allow for the use of, the parking of or the location of a tent, travel trailer, camper, truck camper, recreational vehicle, motor home, fold out trailer or other temporary shelter primarily for the use of transient persons, regardless of whether such facility provides for connection or hook ups to utilities or other facilities or whether such a facility is rented on a daily, weekly or monthly basis, excluding camping facilities which are rented to a Seasonal Worker.

"Lodging Unit," shall mean an accommodation in an establishment engaged in the business of furnishing overnight rooms or other accommodations primarily for transient persons, including but not limited to any hotel room, motel room, lodging room, motor hotel room, guest house, guest quarters, room in a bed and breakfast or other room or similar accommodation, regardless of whether such unit is rented on a daily, weekly or monthly

basis, excluding lodging units which are rented to a Seasonal Worker.

"Owner" shall mean the owner, operator or manager of Lodging Units or Camping Facilities within the Town.

"Seasonal Worker" shall mean a person employed within the Town limits for a period of not less than sixty (60) consecutive days who presents a notarized affidavit from their employer, certifying to the person's employment status and anticipated time period of employment, to the lodging owner in conjunction with entering into a monthly rental agreement for a lodging unit or a camping facility.

3-14-2 Imposition of Fee:

A fee of two dollars (\$2.00) per night for each occupied Lodging Unit within the Town and one dollar (\$1.00) per night for each occupied Camping Facility within the Town is hereby imposed and shall be collected and remitted to the Town as provided herein. The Lodging fee is imposed to defray the costs incurred by the Town to provide municipal services that directly benefit the Owners of Lodging Units and Camping Facilities in the Town.

3-14-3 Registration of Facilities:

Within thirty days after the effective date of this Ordinance, and no later than January 15th of each year thereafter, the Owner of any Lodging Unit or Camping Facility in the Town as defined herein shall be required to register such business with the Town Clerk to assist in the implementation of this Ordinance. Each such Owner shall complete and submit a Lodging Registration Form with the Town Clerk, which shall include the name, address and phone number of Owner; the name, address and phone number of the Lodging or Camping Facility; the number of rooms, units or camping facilities; and any other information deemed necessary by the Clerk. It shall be unlawful for any person to fail to register the described properties with the Clerk as required herein.

3-14-4 Reports and Remittance of Fee:

No later than the 15th day of each month, the Owner of Lodging Units or Camping Facilities in the Town shall account for and report the number of occupied Lodging Units or Camping Facilities during the prior month to the Town on forms approved by the Town for such purpose, and at the time of that submission, the Owner shall remit the fees imposed in section 3-14-2 for the prior month to the Town. It shall be unlawful for any Owner to fail to report the number of occupied units, to give false information on the report, or to fail to remit the fees due as required herein.

3-14-5 Audits:

The Town Clerk-Treasurer or a designated agent shall have the authority to conduct an audit of any Lodging or Camping business in a manner reasonably designed to assure that the reports submitted by any Owner are accurate. The Clerk-Treasurer shall have the authority

to review accounting records including registration information, provided however, the Owners shall not be required to provide the Town with any information regarding individual customers that is confidential or not subject to disclosure under state or federal law.

3-14-6 Use of Lodger's Fee:

The Lodger's fees collected by the Town are intended to raise revenues to provide municipal services directly related to the Lodging and Camping businesses and such fees shall be placed in a special fund to be expended solely on those services, including but not limited to support of the Silverton Visitor's Center, special events, and marketing efforts to attract tourists and other visitors to Silverton. The Board of Trustees shall approve a line item budget and an appropriation for the expenditure of the Lodger's fee for the purposes described herein as part of the Town's annual budget process.

3-14-7 Enforcement and Penalty

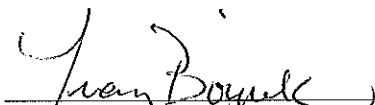
The Town shall have the right to collect or recover all sums due under the provisions of the Ordinance by action in any court of competent jurisdiction, and any such remedy shall be cumulative with and shall not exclude any other remedy available to the Town.

Any failure to comply with the terms of this Ordinance shall constitute a violation and any person convicted of such a violation may be fined an amount not to exceed three hundred dollars (\$300.00) or imprisoned for a period not to exceed ninety (90) days, or both.

Adopted and ordered published this 23rd day of May, 2005.

TOWN OF SILVERTON

Attest:


Town Clerk-Treasurer

by:


Mayor